

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 9, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04028

PROPOSAL: To allow wireless facilities consisting of an accessory structure to house wireless ground equipment in the AG zoning district.

LOCATION: 1212 Northwest 48th Street

LAND AREA: The acreage site is approximately 2.6 acres in area.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance and the Comprehensive Plan.

| | |
|-------------------------------|----------------------|
| <u>RECOMMENDATION:</u> | Conditional Approval |
|-------------------------------|----------------------|

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificate.

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|--------------|----|
| North: | Agricultural | AG |
| South: | Agricultural | AG |
| East: | Agricultural | AG |
| West: | Agricultural | AG |

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The 2025 Comprehensive Plan's Land Use Plan (as amended July, 2003) designates urban residential land uses in this area.

Page F126 - Wireless Telecommunications - The placement and construction of such facilities need to occur in a way that is compatible with the natural and built environment. Taller, more intensive facilities should be located in commercial and industrial areas. Facilities in residential areas should be unobtrusive, of a scale consistent with the neighborhood setting, and sited in a way that does not detract from the enjoyment of the neighborhood by its residents.

BACKGROUND

The applicant is proposing a wireless facility which includes antennas and a ground equipment shelter. The antennas are to be located on an existing Lincoln Electric System (LES) power line structure on property adjacent to the northwest corner of this site. The electrical ground equipment is to be located within a 12' x 20' accessory building. The power line structure is located on leased property only large enough for the structure, so additional property is required to accommodate the accessory building.

Wireless facilities located on property or facilities owned either by the City of Lincoln (including LES) or by Lincoln Public Schools are exempt from the requirement of a special permit, and the antennas on the LES power line structure are exempt and not a part of this special permit. However, because the use of the accessory building is to house the associated ground equipment, it is considered a wireless facility. Because it is located on private property, it is subject to the requirements of a special permit.

ANALYSIS:

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

1. The Comprehensive Plan designates urban residential land uses in this area. The Comprehensive Plan also notes that towers accommodating wireless facilities are part of the infrastructure that supports emerging wireless technologies, and are consistent with the goal of ensuring the community is served by information technology. This application is consistent with the Plan and sites the facilities in a manner that is compatible with surrounding uses.

Preference of site location in accordance with Section 27.68.080.

2. There are three location preferences as follows:

A. Preferred Location Sites:

(1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites, in order of priority:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

(3) Screened antennas on multi-family residential structures exceeding 30' in height.

(4) Camouflaged structures with minimal impact on residential land uses.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

Because the antennas are locating on an existing structure, this application is considered a preferred location.

Compatibility with abutting property and land uses.

3. The equipment shelter will be designed so that it can be converted for use as a storage shed should the wireless facilities ever be removed. This type of building is customary

and expected to be found in an agricultural/residential area. However, the building as sited does not comply with the required setbacks for the district. The site plan must be revised to show compliance with required setbacks.

Adverse impacts such as visual, environmental or noise impacts.

4. There is no negative impact associated with this type of an accessory building upon surrounding properties.

Availability of suitable existing structures for antenna mounting.

5. As noted previously, the antennas are not a part of this special permit. However, for reference they are being located upon an existing LES power line structure and no new support structure is proposed.

Scale of facility in relation to surrounding land uses.

6. The accessory building is 10' x 20', or 200 square feet in area, and is of a size typically found on an acreage or residential detached garage.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There is no significant impact noted.

Color and finish.

8. The building will be designed to complement the existing residence and garage.

Ability to collocate.

9. This criteria is not applicable in this case.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. Screening is shown in compliance with the Design Standards.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. This wireless application is considered a preferred site.

CONDITIONS:

Site Specific:

1. This approval permits a 200 square foot accessory building for wireless facilities consistent with the site plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan including 5 copies showing the following revisions:
 - 2.1.1.1 The accessory building complying with the applicable setbacks for the AG district - 40' side yard and 50' rear yard.
 - 2.2 The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before use of the facility all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

- 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, 441-6362, bwill@ci.lincoln.ne.us
Planner
May 28, 2004

CONTACT: Douglas Rogers
LCC International
1023 Lincoln Mall
Lincoln, NE 68508
(402) 434-9307

APPLICANT: US Cellular Wireless Communications
3601 109th Street
Urbandale, IA 50322
(515) 210-1010

OWNER: Brent and Nancy Keller
1212 Northwest 48th Street
Lincoln, NE 68528
(402) 470-3494



Special Permit #04028 **1212 NW 48th St.** **US Cellular**

2002 aerial

Zoning:

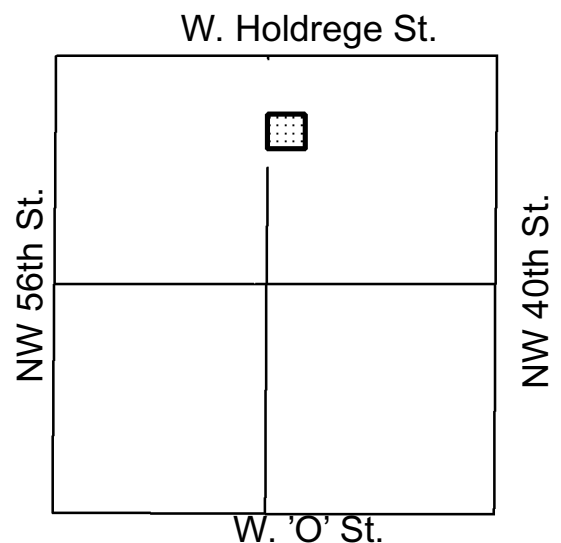
| | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 19 T10N R6E

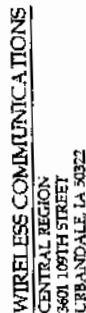


Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



SITE NUMBER: 874331.2
 LATITUDE: 40°49'35.16" (NAD83)
 LONGITUDE: 96°47'14.50" (NAD83)
 SITE NAME: HUSKERVILLE
 ELEVATION: 1266.64' (NAVD 88)
 ADDRESS: NW 48TH & HOLDREGE
 STRUCTURE: CO-LOCATE
 LINCOLN, NE 68528

AREA MAP

DRIVING DIRECTIONS

START POINT: LINCOLN MUNICIPAL AIRPORT

- 1: START OUT GOING WEST ON WEST ADAMS ST. TOWARD TERMINAL.
- 2: WEST ADAMS ST. BECOMES TERMINAL.
- 3: TURN SLIGHT LEFT.
- 4: TURN LEFT ONTO TERMINAL.
- 5: TERMINAL BECOMES WEST ADAMS ST.
- 6: MERGE ONTO I-40 W.
- 7: TAKE THE NW 40TH ST. EXIT 395.
- 8: MERGE ONTO HW 40TH ST.
- 9: END AT 1212 HW 40TH ST.

[illegible]

| | |
|------|-------------------------|
| T-1 | TITLE SHEET |
| LS-1 | SITE SURVEY |
| GN-1 | GENERAL NOTES |
| C-1 | OVERALL SITE PLAN |
| C-2 | ENLARGED SITE PLAN |
| A-1 | NORTH & EAST ELEVATIONS |
| A-2 | SOUTH & WEST ELEVATIONS |
| L-1 | LANDSCAPING |

| | |
|---------------------------|--|
| APPLICANT/ OWNER | US CELLULAR STREET URBANDALE, IA 50322 |
| LANDLORD | LES 2620 FAIRFIELD STREET P.O. BOX 40949 LINCOLN, NE 68501-0949 PHONE: (402) 487-7622 |
| CONSTRUCTION MANAGER | LOC INTERNATIONAL 1023 LINCOLN MALL LINCOLN, NE 68508 CONTACT: DONALD ROGERS PHONE: (402) 431-9307 |
| GENERAL CONTRACTOR | SUBJECT TO BID |
| ENGINEERING CONSULTANT | ASSOCIATED ENGINEERING, P.C. 1214 NORTH 18TH STREET OMAHA, NE 68118 PH: (402) 864-0037 FAX: (402) 933-5000 |
| SURVEYOR | COMMUNITY LAND SURVEYING 1232 HIGH STREET LINCOLN, NE 68502 PH: (402) 441-5795 FAX: (402) 441-5791 |
| SITE ADVISOR | LOC INTERNATIONAL 1023 LINCOLN MALL LINCOLN, NE 68508 CONTACT: DONALD ROGERS PHONE: (402) 431-9307 |
| RF ENGINEER | LOC INTERNATIONAL 1023 LINCOLN MALL LINCOLN, NE 68508 CONTACT: MARK WINTON |
| ZONING | LOC INTERNATIONAL 1023 LINCOLN MALL LINCOLN, NE 68508 PHONE: (402) 431-9307 |
| JURISDICTION | CITY OF LINCOLN 505 SOUTH 10TH STREET LINCOLN, NE 68502 CONTACT: STEVE SCHAPIRAUCH PHONE: (402) 441-7481 |
| ELECTRIC COMPANY | LES 104 STREET LINCOLN, NE 68505-3435 CONTACT: STEVE SCHAPIRAUCH PHONE: (402) 487-7620 |
| TELEPHONE COMPANY | ALTEL 401 SOUTH 21ST STREET LINCOLN, NE 68501 CONTACT: JOHN GRIMHAM PHONE: (501) 909-0879 |

HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA.



DATE SIGNED:

GRAPHIC SCALES

DETAIL 1



COAX ROUTING NOTES:

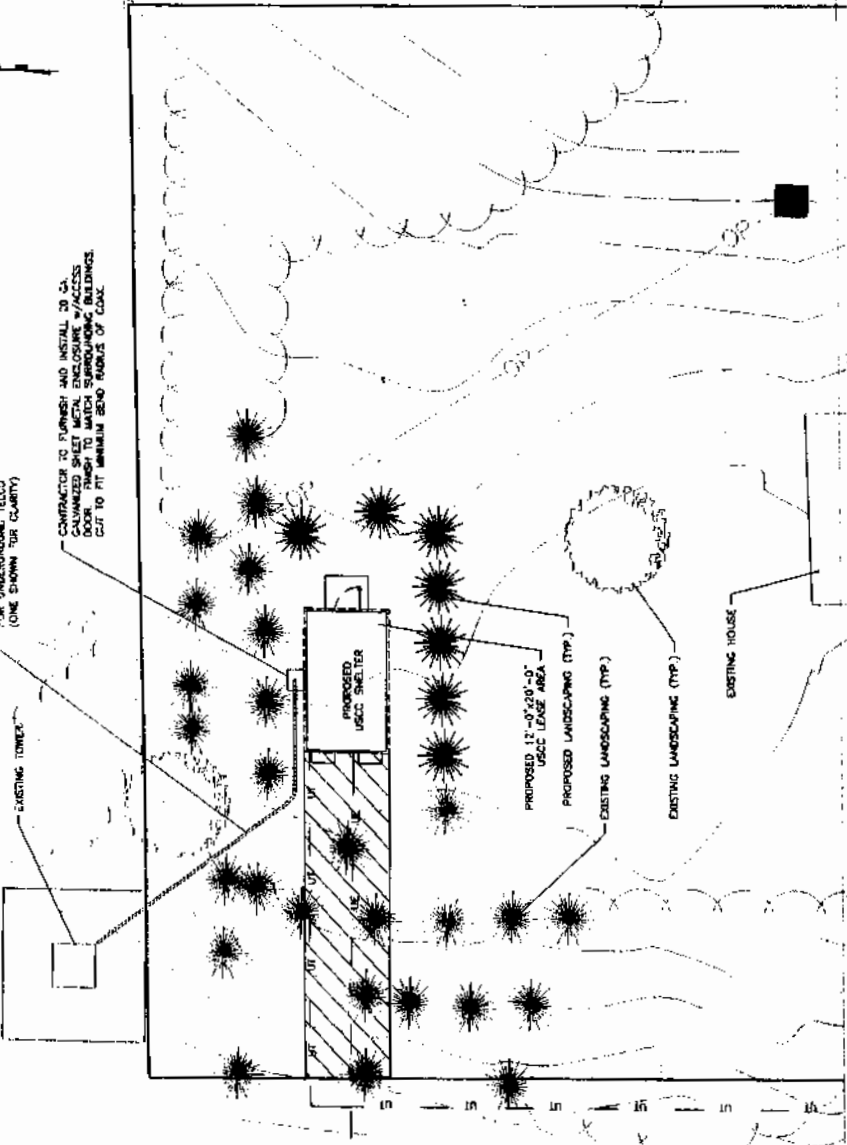
PROPOSED TELCO ROUTED UNDERGROUND FROM RE CABINET IN SHELTER TO BASE OF TOWER
EST. DISTANCE 70'-0"

PROPOSED TELCO ROUTED FROM BASE OF TOWER TO PROPOSED ANTENNAS
EST. DISTANCE 85'-0"

NOTE: ANTENNAS NOT SHOWN FOR CLARITY.

PROPOSED (3) 5" PVC CONDUITS FOR UNDERGROUND TELCO (ONE SHOWN FOR CLARITY)

CONTRACTOR TO FURNISH AND INSTALL 30 2x4 DOOR FRAME TO MATCH SURROUNDING BUILDINGS CUT TO FIT MINIMUM BEND RADIUS OF COAX.



1 ENLARGED SITE PLAN

SCALE: SEE GRAPHIC SCALES

ASSOCIATED ENGINEERING, PC
1114 ALABAMA STREET
DALLAS, TX 75218
PRC (402) 944-9087

us Cellular
WIRELESS COMMUNICATIONS
300 SOUTH STREET
DALLAS, TEXAS 75201

USCC
1023 LINCOLN HALL
LINCOLN, NEBRASKA 68508
(402) 434-8300

APPROVALS:
DATE: _____
BY: _____
TITLE: _____

SITE ADDRESS: _____
ZONING: _____
R.F.: _____
CONSTRUCTION: _____
OWNER: _____

SITE NAME: _____
HUSKERVILLE

SITE NUMBER: _____
871331.2

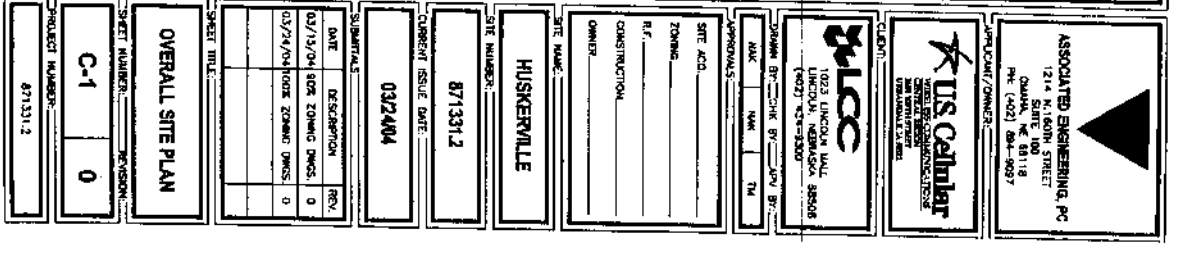
CURRENT ISSUE DATE: _____
03/24/04

| DATE | DESCRIPTION | REV. |
|----------|-------------------|------|
| 03/15/04 | 80% ZONING DMCS. | 0 |
| 03/24/04 | 100% ZONING DMCS. | 0 |

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER: _____
C-2

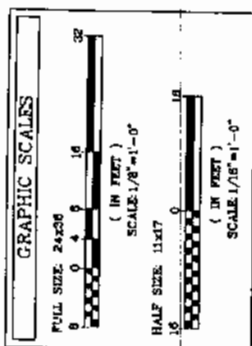
PROJECT NUMBER: _____
871331.2



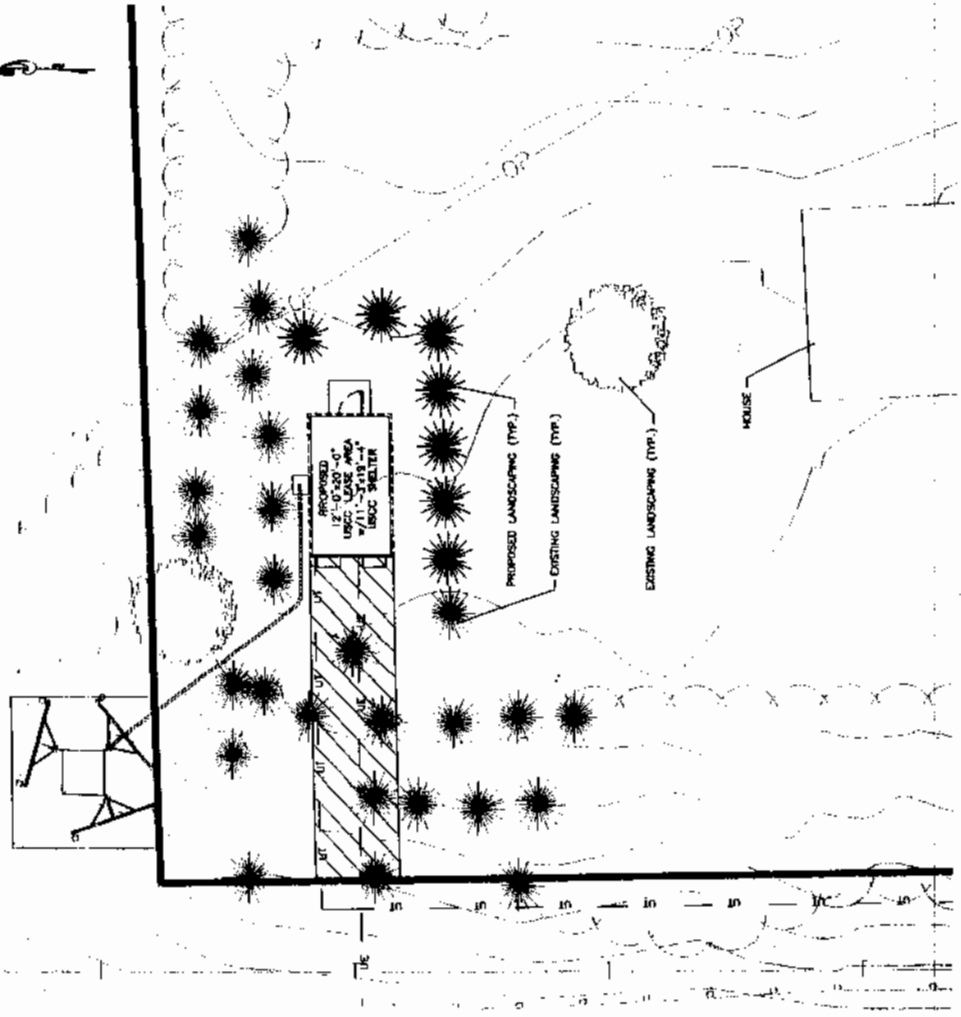
| NO. | COMMON NAME | BOTANICAL NAME | PLANTING METHOD | DESIGN SIZE |
|-----|--------------------|----------------|-----------------|--------------------|
| 1 | EASTERN WHITE PINE | Pinus strobus | BAR | 6'-0" 6'-0" 36'-0" |

GENERAL NOTES:

1. NO EXISTING DRAIN INTERFERE WITH SIGHT REQUIREMENTS FOR SAFE INGRESS AND EGRESS.
2. ALL PLANT MATERIAL SHALL BE PLANTED IN A MANNER WHICH IS NOT TO INTERFERE WITH OVERHEAD WIRES OR BE INTRUSIVE TO UTILITIES OR EQUIPMENT.
3. NO LANDSCAPING SHALL INTERFERE WITH SIGHT REQUIREMENTS FOR SAFE INGRESS AND EGRESS.
4. ALL PLANT MATERIAL SHALL BE INSTALLED PER CURRENT CITY OF LINCOLN DESIGN STANDARDS.
5. ALL PLANT MATERIAL SHALL BE INSTALLED FREE OF DISEASE AND IN A MANNER THAT ENSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER TO SUSTAIN HEALTHY GROWTH.
6. THE PLANTING SEASON SHALL BE APPROXIMATELY OCTOBER 15 TO DECEMBER 15, AND MARCH 15 TO MAY 15.
7. ANY EXCESS SOIL, CLAY OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PLANTING SITE, PRIOR TO PLANTING OF INDIVIDUAL SPECIES AT FINAL GRADE.
8. DURING CONSTRUCTION, GENERAL CONTRACTOR SHALL CONFORM TO THE CURRENT CITY OF LINCOLN DESIGN STANDARDS & PROCEDURES FOR EROSION CONTROL.



1 LANDSCAPING PLAN
 SCALE: SEE GRAPHIC SCALE

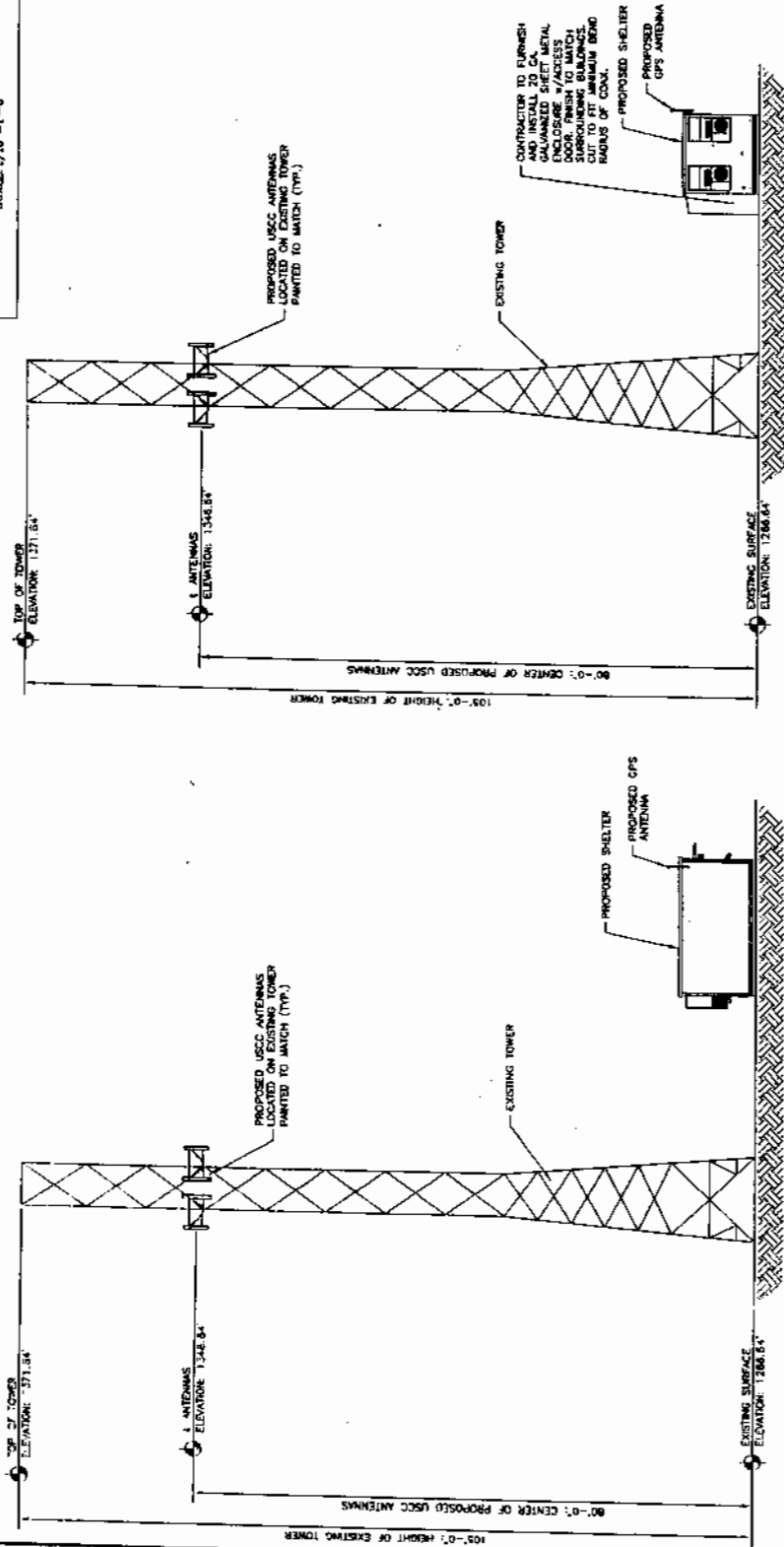
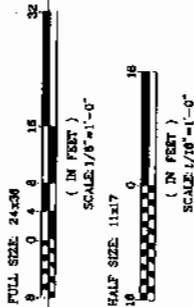


| | | | | | |
|--|--|--|--|--|--|
| ASSOCIATED ENGINEERING, PC 1214 N. 20TH STREET SUITE 100 OMAHA, NE 68115 PH: (402) 564-8087 | | us Cellular WIRELESS COMMUNICATIONS 1023 LINCOLN MALL SUITE 100 OMAHA, NE 68102 (402) 455-8300 | | DRAWN BY: CHK BY: APP BY: | |
| PROJECT/OWNER: | | CLIENT: | | PROJECT: | |
| SITE ADDRESS: SITE NO.: ZONING: R.F.: CONSTRUCTION: OWNER: | | SITE NAME: HUSKERVILLE | | SITE NUMBER: 871331.2 | |
| CURRENT ISSUE DATE: 03/24/04 | | SUBMITTALS: DATE DESCRIPTION REV 02/15/04 80% ZONING DMCS 0 03/24/04 100% ZONING DMCS 0 | | SHEET TITLE: LANDSCAPING DETAILS | |
| SHEET NUMBER: L-1 | | REVISION: 0 | | PROJECT NUMBER: 871331.2 | |

Tower shown for reference only - not a part of this special permit.

NOTE:
LANDSCAPING NOT SHOWN FOR
CLARITY. SEE [1].

GRAPHIC SCALES



1 SOUTH ELEVATION

SCALE: SEE GRAPHIC SCALE

2 WEST ELEVATION

SCALE: SEE GRAPHIC SCALE

| | | | | | | | | | | | | | | | | |
|--|--|--|---|--|---|--|-----------------------------|--|---------------------------|--------------------------|---------------------------------|---|---|----------------------|----------------|-----------------------------|
| | ASSOCIATED ENGINEERING, PC 1214 21 ST BIRTH STREET OMAHA, NE 68118 PH: (402) 84-9897 | | US CELLULAR COMMUNICATIONS ATTN: PROJECT 1000 LINCOLN STREET LINCOLN, NE 68502 | | VALOC 1033 LINCOLN MALL LINCOLN, NEBRASKA 68508 (402) 434-3300 | DRAWN BY: JCM CHECKED BY: JCM DATE: 03/24/04 | MARK: NAK DATE: 03/24/04 | APPROVALS: SITE ACQ. ZONING R.F. CONSTRUCTION OWNER | SITE NAME: HUSKERVILLE | SITE NUMBER: 871331.2 | CURRENT ISSUE DATE: 03/24/04 | SUBMITTALS: DATE DESCRIPTION REV. 03/13/04 ROR ZONING DWGS. 0 03/24/04 100% ZONING DWGS. 0 | SHEET TITLE: SOUTH & WEST ELEVATIONS | SHEET NUMBER: A-2 | REVISION: 0 | PROJECT NUMBER: 871331.2 |
| | | | | | | | | | | | | | | | | |



May 12, 2004

Brian Will
City of Lincoln
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Mr. Will:

This letter is to coincide with our application for collocation request on a de-commissioned utility structure located at 1212 NW 48th Street in Lincoln, Nebraska. The utility structure is owned by Les and is currently 87.3' in height.

We will be placing our equipment shelter on the property directly south of the utility structure as no ground space was available on the property that is housing the utility structure. Both LES, and the underlying property owner are in agreement with this proposal. Many alternatives were looked at before a decision was made to utilize this structure.

Currently, there is a Sprint monopole located directly south of the proposed site, but after inquiring about the possibility of collocation, we were told this monopole is currently full and will not be able to be structurally reinforced to accommodate our proposal.

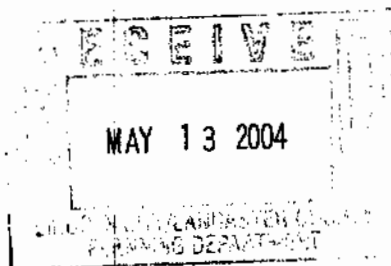
A new site was considered and presented to the Parks and Recreation Department regarding some property that is located a few miles to the north. However, our proposal was denied due to the fact that the school near the park is interested in that property and it would be some time before the use would be established.

This problem coupled with the fact that the airport is very near this search ring prompted some redesign from our engineering group. The site was redesigned with the current LES utility structure in mind.

Sincerely,

Doug Rogers
LCC International

1023 Lincoln Mall Road
Lincoln, Nebraska 68508



OWNERSHIP CERTIFICATE

FILE NO: 6011781

TO: Marsha Summerhill
LCC International

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION:

NE 1/4 19-10-6, Lots 40 & 44, Lincoln, Lancaster County, Nebraska

OWNER OF RECORD:

Brent J. Keller and Nancy L. Keller, husband and wife, as joint tenants

UNRELEASED LIENS OF RECORD:

- a. Deed of Trust executed by Brent J. Keller and Nancy L. Keller, husband and wife, Trustor to Provident Federal Savings Bank, Trustee and , Beneficiary, in the stated amount of \$48,800.00 dated March 18, 1992 and recorded March 20, 1992 as Inst. No. 92-11740; assigned to Commercial Federal Mortgage Corporation by Assignment dated May 1, 1995, recorded October 16, 1995 as Inst. No. 95-33002; records of Lancaster County, Nebraska.

TAXES/ASSESSMENTS:

General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):

- a. Alt Key Number 1653703 (Parcel ID Number 10-19-200-008-000):
- 2002 General Real Estate Taxes, \$2,218.12 - All Paid.
- 2003 General Real Estate Taxes, \$2,226.78 - Half Paid.

Effective Date: May 6, 2004 at 8:00 am

Nebraska Title Company

By: Vice-President
Registered Abstractor

Please direct inquiries to: Greg Mitchell

MAY 21 2004